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16SL-CC04711 - NICOLE CHILDRESS V WALGREEN CO (E-CASE)

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01/10/2017 **Agent Served**
Document ID - 16-SMCC-10151; Served To - WALGREEN CO; Server - ; Served Date - 17-JAN-17; Served Time - 00:00:00; Service Type - Sheriff Department; Reason Description - Served

12/28/2016 **Summons Issued-Circuit**
Document ID: 16-SMCC-10151, for WALGREEN CO.Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

12/22/2016 **Filing Info Sheet eFiling**
Filed By: CHRISTOPHER ANDREW ALLEN

Note to Clerk eFiling
Filed By: CHRISTOPHER ANDREW ALLEN

Entry of Appearance Filed
Entry of Appearance - Julia Cammack additional counsel for Plaintiff.
Filed By: CHRISTOPHER ANDREW ALLEN
On Behalf Of: NICOLE CHILDRESS

Pet Filed in Circuit Ct
Petition.

Judge Assigned
DIV 1

Case.net Version 5.13.15.1 Return to Top of Page Released 01/19/2017

DEFENDANT'S EXHIBIT
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16SL-CC04711

Electronically Filed - St Louis County - December 22, 2016 - 11:11 AM

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

NICOLE CHILDRESS,

Plaintiff,

v.

WALGREEN CO., D/B/A WALGREENS,
Serve: Prentice-Hall Corporation System, Inc.
221 Bolivar Street
Jefferson City, MO 65101

Defendant.

Cause No.

Division

JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiff, Nicole Childress, by and through undersigned counsel, and for her cause of action against Defendant Walgreen Co., d/b/a Walgreens, states as follows:

1. Plaintiff Nicole Childress is a resident of the State of Missouri.
2. Defendant Walgreen Co., d/b/a Walgreens (hereinafter "Walgreens"), is a foreign corporation in good standing with a registered agent for receipt of service of process located at 221 Bolivar Street, Cole County, State of Missouri.
3. At all relevant times, Defendant Walgreens owned, operated, managed and/or controlled the premises located at 15390 New Halls Ferry Road, St. Louis County, State of Missouri.
4. On December 9, 2013, Plaintiff was an invitee on the premises located at 15390 New Halls Ferry Road, St. Louis County, State of Missouri.
5. On December 9, 2013, there was a puddle of liquid on the floor near the entryway of the premises owned, operated, managed and/or controlled by Defendant Walgreens located at 15390 New Halls Ferry Road, St. Louis County, State of Missouri, and as a result the floor was not reasonably safe.
6. On December 9, 2013, Plaintiff slipped on the puddle of liquid on the floor of the entryway of the above-referenced area, causing her to fall and sustain injuries as set out more fully below.

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7. Defendant Walgreens knew, or by using ordinary care could have known, that the floor of the entryway was dangerous and defective in that there was a puddle of liquid on it, and was careless and negligent in one or more of the following ways:

   a. Defendant Walgreens failed to remove the dangerous and defective condition from the floor;

   b. Defendant Walgreens failed to warn of the unsafe nature of the floor;

   c. Defendant Walgreens failed to properly maintain the floor; and

   d. Defendant Walgreens failed to barricade the dangerous area of the floor.

8. As a direct and proximate result of Defendant Walgreens' carelessness and negligence as detailed above, the floor of the entryway of the above-referenced area was not reasonably safe.

9. As a direct and proximate result of Defendant Walgreens' carelessness and negligence, Plaintiff was injured and damaged; Plaintiff sustained injuries to her left shoulder, right shoulder, left arm and neck; Plaintiff required medical treatment and will require treatment in the future; Plaintiff's ability to work, labor and enjoy life has been and will be impaired, all to her detriment and damage.

10. As a direct and proximate result of Defendant Walgreens' carelessness and negligence, Plaintiff incurred treatment expenses in an amount not yet determined and will incur treatment expenses in the future; Plaintiff lost wages and will lose wages in the future.

WHEREFORE Plaintiff Nicole Childress prays this Court to enter judgment against Defendant Walgreen Co., d/b/a Walgreens, in an amount that is fair and reasonable in excess of Twenty-Five Thousand Dollars ($25,000.00), and for such other and further relief as this Court deems just and proper under the circumstances.

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GOLDBLATT + SINGER

/s/Christopher A. Allen
CHRISTOPHER A. ALLEN #45868
callen@stlinjurylaw.com
JULIA W. CAMMACK #67985
jcammack@stlinjurylaw.com
8182 Maryland Ave., Ste. 801
Clayton, MO 63105
(314) 231-4100 – Office
(314) 241-4078 – Fax

ATTORNEYS FOR PLAINTIFF

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

NICOLE CHILDRESS,)
)
Plaintiff,)
) Cause No.
v.)
) Division
WALGREEN CO., D/B/A WALGREENS,)
Serve: Prentice-Hall Corporation) **JURY TRIAL DEMANDED**
System, Inc.)
221 Bolivar Street)
Jefferson City, MO 65101)
)
Defendant.)

ENTRY OF APPEARANCE

COMES NOW, Julia W. Cammack of Goldblatt + Singer and hereby enters her appearance as additional counsel for Plaintiff in the above noted matter.

GOLDBLATT + SINGER

/s/Julia W. Cammack
CHRISTOPHER A. ALLEN #45868
callen@stlinjurylaw.com
JULIA W. CAMMACK #67985
jcammack@stlinjurylaw.com
8182 Maryland Ave., Ste. 801
Clayton, MO 63105
(314) 231-4100 – Office
(314) 241-4078 – Fax

ATTORNEYS FOR PLAINTIFF

IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: BRIAN H MAY	**Case Number: 16SL-CC04711**	
Plaintiff/Petitioner: NICOLE CHILDRESS **vs.**	Plaintiff's/Petitioner's Attorney/Address CHRISTOPHER ANDREW ALLEN SUITE 801 8182 MARYLAND AVENUE CLAYTON, MO 63105	
Defendant/Respondent: WALGREEN CO DBA: WALGREENS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	**SHERIFF FEE PAID** (Date File Stamp)
Nature of Suit: CC Pers Injury-Other		

Summons in Civil Case

The State of Missouri to: WALGREEN CO
Alias:
DBA: WALGREENS

PRENTICE-HALL CORP SYSTEM INC
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

COURT SEAL OF

ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

28-DEC-2016
Date

Clerk

Further Information:
AMH

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with ______________________ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

______________________ (name) ______________________ (title).

☐ other ______________________.

Served at ______________________ (address)

in ______________________ (County/City of St. Louis), MO, on ______________________ (date) at ______________________ (time).

______________________ Printed Name of Sheriff or Server

______________________ Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on ______________________ (date).

(Seal)

My commission expires: ______________________ Date ______________________ Notary Public

Sheriff's Fees, if applicable		
Summons	$______________	
Non Est	$______________	
Sheriff's Deputy Salary		
Supplemental Surcharge	$ 10.00	
Mileage	$______________	(______ miles @ $.______ per mile)
Total	$______________	

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

Purpose of Notice

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

Your Rights and Obligations in Court Are Not Affected By This Notice

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

Alternative Dispute Resolution Procedures

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) Advisory Arbitration: A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) Mediation: A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) Early Neutral Evaluation ("ENE"): A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) Mini-Trial: A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) Summary Jury Trial: A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the "trial", the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

Selecting an Alternative Dispute Resolution Procedure and a Neutral

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

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IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

FILED JAN 17 2017 JOAN M. GILMER CIRCUIT CLERK, ST. LOUIS COUNTY

RECEIVED JAN 09 2017 COLE COUNTY SHERIFF'S OFFICE

Judge or Division: BRIAN H MAY	Case Number: 16SL-CC04711
Plaintiff/Petitioner: NICOLE CHILDRESS vs.	Plaintiff's/Petitioner's Attorney/Address CHRISTOPHER ANDREW ALLEN SUITE 801 8182 MARYLAND AVENUE CLAYTON, MO 63105
Defendant/Respondent: WALGREEN CO DBA: WALGREENS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Other	

SHERIFF FEE PAID

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: WALGREEN CO
Alias:
DBA: WALGREENS

PRENTICE-HALL CORP SYSTEM INC
221 BOLIVAR STREET
JEFFERSON CITY, MO 65101

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ST. LOUIS COUNTY

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28-DEC-2016
Date

Joan M. Gilmer
Clerk

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☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to S.L. (name) Designee (title).

☐ other ______

Served at 350 E. High (address)

in Cole (County/City of St. Louis), MO, on 1-10-17 (date) at 800AM (time).

John P Wheeler — Printed Name of Sheriff or Server

By Aimee Wray — Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on ______ (date).

(Seal)

My commission expires: ______ Date ______ Notary Public

053626

Sheriff's Fees, if applicable
Summons $________
Non Est $________
Sheriff's Deputy Salary
Supplemental Surcharge $ 10.00
Mileage $________ (_____ miles @ $._____ per mile)
Total $________
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